

GOVERNMENT OF TELANGANA

ABSTRACT

SCDD – Cancellation of Scheduled Caste Certificate of Sri Pendly Vidya Sagar S/o Venkatram R/o Peddamupparam Village of Narasimhulapet Mandal, Warangal District by the Collector & District Magistrate, Warangal –Filed an appeal petition against the proceedings of the District Collector, Warangal – Appeal Rejected – Orders - Issued.

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SCHEDULED CASTES DEVELOPMENT (POA.A2) DEPARTMENT

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**G.O.MS.No. 23**

**Dated: 23/11/2015**

**Read the following:**

- 1.Proceedings of the Collector & District Magistrate, Warangal Progs. No.C5/3725/2014, dated: 15-11-2014.
- 2.Appeal petition of Sri Pendly Vidya Sagar S/o Venkatram R/o Peddamupparam Village of Narasimhulapet Mandal, Warangal dated 02.12.2014.
- 3.Govt. Memo No.3926/SCD.POA.A2/2014, Dt:18-2-2015.
- 4.From the Collector & District Magistrate Lr.Rc.No.C5/3725/2005, Dt:18-05-2015.
- 5.Govt. Memo No.3926/SCD.POA.A2/2014, Dt.27.6.2015.
- 6.Representation of Sri Pendly Vidya Sagar dated Nil.
- 7.Govt. Memo No.3926/SCD.POA.A2/2014, Dt.24.7.2015.
- 8.Representation of Sri Pendly Vidya Sagar dated 03.08.2015.

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ORDER:-

In the Proceedings 1<sup>st</sup> read above, the Collector & District Magistrate, Warangal has cancelled the Scheduled Caste **(Mala)** Certificate of Sri Pendly Vidya Sagar S/o Venkatram issued by Tahsildar, Maripeda vide L.Dis.No.B/3172/1982, Dated 07.12.1982.

2. Aggrieved by the said Proceedings of the Collector & District Magistrate, Warangal, Sri Pendly Vidya Sagar, Warangal has filed an appeal petition before the Government vide reference 2<sup>nd</sup> read above and while submitting the following therein, requested to set aside the proceedings issued by the Collector & District Magistrate, Warangal vide reference 1<sup>st</sup> read above:

- a. The 3<sup>rd</sup> Respondent i.e., Tahsildar, Narsimhulapet Mandal, Warangal District issued caste certificate to him on 01.12.1982. The 3<sup>rd</sup> Respondent issued SC (Mala) certificate to him only after verification of antecedents, after conducting the local enquiry as per procedure.
- b. Basing upon the certificate issued by the 3<sup>rd</sup> Respondent, he made an application to the 4<sup>th</sup> Respondent i.e., the Depot Manager, APSRTC., Khammam Depot, Khammam District for the post of Conductor on 21.05.1986. Since his appointment, he had been discharging his duties to the utmost satisfaction of his superiors.
- c. Basing upon the false complaint given by Mr.Somaiah, the 4<sup>th</sup> Respondent was pleased to issue charge sheet and thereafter he was removed from his services. Thereafter, he raised an Industrial Dispute before the Hon'ble Labour Court and the Hon'ble Labour Court was pleased to dismiss the said industrial dispute. Aggrieved by the award passed by the Hon'ble Labour Court, he filed W.P.No.1559 of 1998 before the Hon'ble High Court. The Hon'ble High Court was pleased to set aside the award passed by the Hon'ble Labour Court and directed the 4<sup>th</sup> Respondent to reinstate him into service with continuity of service, attendant benefits including backwages. Aggrieved

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by the orders passed in W.P.No.1559 of 2005, the corporation filed W.A.No.2137 of 2005 before the Hon'ble Division Bench.

- d. During the pendency of the Writ Appeal before the Hon'ble High Court in W.A.No.2157 of 2005, the Hon'ble High Court directed the 1<sup>st</sup> Respondent i.e., the District Collector & District Magistrate, Warangal District to enquiry into the matter through the 2<sup>nd</sup> respondent i.e., the Joint Collector & Chairman, District Level Scrutiny Committee, Warangal District and to pass appropriate orders as required under section 5 of the Act.
  - e. The 1<sup>st</sup> Respondent was pleased to constitute the District Level Scrutiny Committee. Accordingly, the case was posted on 27.09.2014. Accordingly, a notice was issued to him and he appeared before the 2<sup>nd</sup> Respondent. But however no additional evidence was adduced on his behalf. He submitted that the caste certificate issued by the 3<sup>rd</sup> Respondent was based on the recommendations of the Mandal Revenue Inspector, Narasimhulapet. He submitted that he has submitted various documents in support of his case which disclosed as SC (Mala) community before the 2<sup>nd</sup> Respondent.
  - f. The 3<sup>rd</sup> respondent has not taken any statement of his neighbours nor made any efforts to enquire into the Caste Certificates issued to him, which shows the community as SC (Mala) or took evidence / statement of his relatives. Therefore the 2<sup>nd</sup> Respondent has not conducted enquiry properly and recommended for cancellation of caste certificate issued to him. He submitted that basing upon the recommendations of the 2<sup>nd</sup> Respondent, the 1<sup>st</sup> Respondent passed the impugned proceedings. He submitted that the action of the 1<sup>st</sup> Respondent in passing the impugned proceedings is wholly illegal, arbitrary and unjust.
  - g. The 2<sup>nd</sup> Respondent did not take any of his statements during the course of enquiry and not permitted him to adduce evidence on his behalf.
  - h. The enquiry conducted by the Enquiry Officer was in a post haste manner without giving opportunity to him in view of the directions given by the Hon'ble High Court in W.A.No.2137 of 2005.
  - i. The Respondent failed to see that there was no marriage between his mother and Mr.Venkatramaiah at any point of time. He is a illegitimate child born to Smt.Gouramma. He was grown up at his relatives place in Harijana wada along with relatives of his mother and this aspect was not considered by the 2<sup>nd</sup> respondent before coming to the conclusion.
  - j. He is working as Conductor, unless the orders passed by the 1<sup>st</sup> Respondent are set aside, there is every possibility of terminating him from his service, in which event, he would suffer severe and irreparable loss.
  - k. Having no other alternative remedy he approached this Hon'ble Authority for necessary relief.
3. The Government have examined the matter and opined that there is no need to grant stay in the matter and decided to call for the file from the Collector & District Magistrate, Warangal to decide the matter on merits. Accordingly, in the reference 3<sup>rd</sup> read above, the Collector & District Magistrate, Warangal was requested to furnish parawise remarks and original records for finalization of said appeal petition.

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4. The Collector & District Magistrate, Warangal vide reference 4<sup>th</sup> read above has furnished the relevant records and the following para wise remarks on the appeal petition filed by Sri P.Vidyasagar, Warangal district:

- The Hon'ble High Court in W.A.No.2157 of 2005, has directed the Collector & District Magistrate, Warangal to cause enquiry through the District Level Scrutiny Committee in to the social status of the appellant and to pass final order within a period two months. Accordingly, as per the orders of the Hon'ble High Court, the District Level scrutiny committee meetings were conducted and examined the SC-MALA caste certificate issued in favour of Sri Pendly Vidyasagar S/o Venkatram R/o Peddamupparam Village of Narasimhulapet Mandal of Warangal District by the then Tahsildar Narasimhulapet vide L.Dis.No.B/3172/1982, dated:07.12.1982. On examination, it has proved to be fraudulent one and therefore the caste certificate is cancelled as the individual belongs to Lakkamari Kapu Community duly declaring that the individual does not belongs to SC-MALA Community. Accordingly, the cancellation orders were submitted to the Government Pleader for Labour, High Court of Judicature for the State of Telangana and for the State of Andhra Pradesh on 24.11.2014 vide Lr.No.C5/3725/2014 of O/o Collector, Warangal.
- Respondent (3) have taken the sworn statements of some villagers and conducted Grama Sabha on dated:19.09.2014. On enquiry, the 3<sup>rd</sup> respondent concluded that the appellant belongs to "Lakkamari Kapu" caste but not to the community of "SC" MALA. This shows that the Respondent (2), the Chairman District Level Scrutiny Committee has conducted the enquiry properly and basing on the enquiry report of the Revenue Divisional Officer, Mahabubabad, recommended for cancellation of Caste Certificate issued to the appellant. On the enquiry report submitted by the respondent (3) i.e., the Revenue Divisional Officer, Mahabubabad and recommendations made by the respondent (2), the respondent (1) i.e., the District Collector has thoroughly verified the enquiry report and recommendations made by the District Level Scrutiny Committee and passed cancellation orders duly exercising his powers as per Section 5(i) of the A.P. (SC/ST/BC) issue of community certificate Act 16/1993.
- The appellant has given his sworn statement before the authority while attending the District Level Scrutiny Committee conducted on dated:13.10.2014 and produced no evidences in support of his caste certificate issued in favour of the appellant. It confirms that the enquiry officer has given an opportunity to the appellant to prove himself.
- With regard to marriage between applicant's mother and Mr.Venkatramiah and that he is a illegitimate child born to Smt Gouramma, the appellant has failed to produce any documentary evidences in support of his caste claim. However, the Act 16/1993 A.P. (SC/ST/BC) issue of community certificate is not applicable for this type relations.

5. The Collector & District Magistrate, Warangal has therefore requested to dismiss the Appeal of Sri Pendly Vidya Sagar and pass such other order or orders as deemed fit and proper in the circumstances of the case.

6. The case was taken up for personal hearing by the Government, as such the appellant was requested to attend personal hearing on 21.07.2015 before the Appellate Authority. Accordingly, the appellant has attended before the Authority and requested to give some other date & time for hearing his appeal as his counsel is out of Station, vide reference 6<sup>th</sup> cited.

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7. The case was taken up for personal hearing by the Government, as such the appellant was requested to attend personal hearing on 03.08.2015 before the Appellate Authority. Accordingly, the appellant has attended before the Authority and the petitioner represented himself and stated that his Mother is Mala. Father is a BC (A) and was working for church. Father name is Pendly Venkatramaiah. His father belongs to lakkamari kapu. He has not denied the fact that his father belongs to the Kapu Community which is under BC category.

8. After examination of the proceedings dated 15.11.2014 of the District Collector, Warangal and material available with the Government, it is observed that the caste of person depends on the caste of the Father and hence Sri Pendly Vidya Sagar belongs to Lakkamari Kapu Community. Therefore the decision taken by the Collector and District Magistrate is in accordance with Law and Correct and under the circumstances, the orders issued by the Collector and District Magistrate, Warangal are hereby confirmed.

9. The Government, therefore, in exercise of the powers conferred u/s 7 of Act No. 16 of 1993, decided that the appeal petition filed by Sri Pendly Vidya Sagar does not deserve any interference. Hence, Proceedings of the Collector & District Magistrate, Warangal issued vide No.C5/3725/2014, dated: 15-11-2014 are upheld and the appeal of Sri Pendly Vidya Sagar, S/o Venkatram R/o Peddamupparam Village of Narasimhulapet Mandal, Warangal District is hereby rejected.

10. The Collector & District Magistrate, Warangal is directed to take further necessary action in the matter accordingly.

11. The records furnished by the Collector & District Magistrate, Warangal vide reference 4<sup>th</sup> read above (containing pp.1-204 C.F., and pp.1-11 N.F.,) are returned herewith and he is requested to acknowledge the receipt of the same.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**BENHUR MAHESH DUTT EKKA  
SECRETARY TO GOVERNMENT**

To  
The Collector & District Magistrate,  
Warangal (w.e.)  
(With Original records)  
Sri Pendly Vidya Sagar S/o Venkatram  
R/o Peddamupparam Village of Narasimhulapet Mandal,  
Warangal District (through the Collector & District Magistrate,  
Warangal).

**Copy to:**

Sri G.Ravi Mohan, Advocate,  
H.No.16-9-749/41, Race Course Road,  
Old Malakpet, Hyderabad- 500 036.  
The P.S. to Special Secretary to Chief Minister (BR)  
The P.S. to Secretary to Government, SCDD  
SF/SC.

**// FORWARDED:: BY ORDER //**

**SECTION OFFICER**